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IDAHO PUBLIC
UTILITIES COMMISSION

DONOVAN E. WALKER
Lead Counsel
dwalker@idahopower.com

November 29, 2013

VIA HAND DELIVERY

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
Boise, Idaho 83702

Re: Case No. IPC-E-13-19
Idaho Wind Partners I, LLC, v. Idaho Power Company – Idaho Power
Company's Answer and Cross-Complaint

Dear Ms. Jewell:

Enclosed for filing in the above matter are an original and seven (7) copies of Idaho
Power Company's Answer and Cross-Complaint.

Very truly yours,



Donovan E. Walker

DEW:csb
Enclosures

DONOVAN E. WALKER (ISB No. 5921)
JULIA A. HILTON (ISB No. 7740)
Idaho Power Company
1221 West Idaho Street (83702)
P.O. Box 70
Boise, Idaho 83707
Telephone: (208) 388-5317
Facsimile: (208) 388-6936
dwalker@idahopower.com
jhilton@idahopower.com

Attorneys for Idaho Power Company

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IDAHO PUBLIC
UTILITIES COMMISSION

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IDAHO WIND PARTNERS I, LLC)	
)	CASE NO. IPC-E-13-19
Complainant,)	
v.)	IDAHO POWER COMPANY'S
)	ANSWER AND CROSS-COMPLAINT
IDAHO POWER COMPANY,)	
)	
Respondent.)	
)	

COMES NOW, Idaho Power Company ("Idaho Power" or "Company") and pursuant to RP 57 hereby answers the Complaint of Idaho Wind Partners I, LLC ("Idaho Wind Partners" or "IWP"). Additionally, pursuant to RP 54 and 57, Idaho Power hereby respectfully lodges its Cross-Complaint against Idaho Wind Partners.

I. INTRODUCTION AND RESPONSE

This case is about much more than simply the meaning of contractual language. This case involves the Idaho Public Utilities Commission's ("Commission") determination as to the appropriate avoided cost rates in the state of Idaho and eligibility

for the same. It involves what is required for a Public Utility Regulatory Policies Act of 1978 ("PURPA") qualifying facility ("QF") to be entitled to the full determination of avoided cost rates determined at the time of contracting, and set for the duration of the contract versus the full determination of avoided cost rates for energy priced at the time of delivery.

All of Idaho Wind Partners' contracts that are the subject of this proceeding contain performance requirements commonly referred to in the shorthand as "90/110." None of these wind QF projects pay a wind integration charge, nor do they pay any wind forecasting fees. Instead, they must estimate their own generation amounts in advance, and then deliver generation within a band of 90 percent to 110 percent of their own estimation in order to receive the full avoided cost rate in the Firm Energy Sales Agreement ("FESA"). The QFs are free to change their own estimated energy deliveries, but, once made, must make those deliveries within the 90/110 performance band. If they deliver outside of this band, either above or below, then it is deemed "Surplus Energy" and does not receive the full Firm Energy Sales Agreement price—it receives the "Market Energy Cost" —which is set at the avoided cost rate for deliveries priced as-delivered.

The "Market Energy Cost" from the FESAs uses the exact language for the "Purchase Price" from Idaho Power's Tariff Schedule 86, Cogeneration and Small Power Production Non-Firm Energy. Schedule 86 defines the Purchase Price as "85 percent of the monthly Avoided Energy Cost." Schedule 86, sheet 86-2. Schedule 86 defines Avoided Energy Cost as "the weighted average of the daily on-peak and off-peak Dow Jones Mid-Columbia Electricity Price Index (Dow Jones Mid-C Index) prices

for nonfirm energy published in the Wall Street Journal.” Schedule 86, sheet 86-1. The alternative price for surplus and shortfall energy deliveries in the FESAs does not contain the exact language from Idaho Power’s Schedule 86 simply out of convenience or because it was an existing reference. It contains this exact language because that is how it is supposed to work by design. The Commission expressly chose to define “firmness” in the FESAs by requiring projects to deliver within the 90/110 band in order to receive the avoided cost pricing for prices determined at the time of contracting and set for the duration of the contract. For energy deliveries that deviate outside of 90/110 of the projects’ own estimated deliveries, the Commission has determined that they receive the avoided cost rates, not set at the time of contracting, but set at the time of delivery.

In interpreting its own prior Orders regarding retention of the 90/110 requirements and pricing, the Commission stated:

In our U.S. Geothermal/Lewandowski Orders in Case Nos. IPC-E-04-09/04-10, the Commission stated its belief that a legally enforceable obligation translates into reciprocal contractual obligations for both parties; a quid pro quo. It is not just a lock-in of avoided cost rates, but is also an obligation to deliver. Asked to make a decision regarding eligibility between firm and non-firm resources, we defined firmness as “predictability on a monthly basis.” In establishing a 90%/110% performance band requirement, a majority of the Commission defined the minimum degree of predictability required for published rate eligibility. The Commission found the performance requirement to be necessary to assure that the Company’s customers received the generation product that they were paying for.

Order No. 30488, p. 12.

Idaho Power has approximately 33 power sales contracts that utilize this same language from Schedule 86 regarding non-firm pricing and the Commission’s

established avoided cost rates determined at the time of delivery. Several of these contracts, such as the Idaho Wind Partners' contract here, contain a 90/110 performance requirement and the alternative pricing that reflects avoided cost rates for non-firm deliveries. Others include actual Schedule 86 agreements, and still others are non-firm, non-Schedule 86 agreements. Idaho Power believes that, beyond the mere interpretation of contract language, the Commission intended and intends for a consistent application and calculation of one of the two authorized avoided cost rates for the state of Idaho—the as-delivered, non-firm avoided cost rate—represented by the consistent language from Schedule 86 across the various power sales agreements.

II. ANSWER

Idaho Power hereby answers Idaho Wind Partners' Complaint as follows. Idaho Power denies any allegation not specifically admitted and reserves the right to supplement this Answer if IWP amends its Complaint. The following numbered paragraphs correspond to the numbered paragraphs from Idaho Wind Partners' Complaint.

1. Paragraph 1 identifies counsel for Idaho Wind Partners and therefore requires no response.

2. Idaho Power has insufficient information or knowledge regarding the truth of the allegations in paragraph 2 of the Complaint, which relates to the identity, managing member, and address of Idaho Wind Partners and therefore denies the same.

3. Idaho Power has insufficient information or knowledge regarding the truth of the allegations in paragraph 3 of the Complaint which relate to the corporate structure

and assets of Idaho Wind Partners and therefore denies the same. Idaho Power admits that it entered into FESAs with Oregon Trail Wind Park; Pilgrim Stage Station Wind Park, LLC; Thousand Springs Wind Park, LLC; Tuana Gulch Wind Park, LLC; Burley Butte Wind Park; Golden Valley Wind Park; Milner Dam Wind Park; and Salmon Falls Wind Park (“Projects”), which were subsequently approved by the Commission.

4. Idaho Power acknowledges that the Projects are wind generation projects that meet the definition of a PURPA QF.

5. Idaho Power admits that it is an Idaho corporation with its principal place of business at 1221 West Idaho Street, Boise, Idaho 83702. Idaho Power also admits that it is a public utility subject to the jurisdiction of this Commission, the Public Utility Commission of Oregon, and the Federal Energy Regulatory Commission.

6. Idaho Power admits the nature of the case as described in the first sentence of paragraph 6, that this proceeding involves FESAs approved by the Commission. The remaining allegations are conclusions of law that require no response; however, Idaho Power acknowledges the Commission’s jurisdiction to interpret and enforce contracts affecting rates, especially as here where the dispute involves a PURPA QF power sales agreement and both parties agree to submit the matter to the Commission for determination. However, this issue, as referenced in footnote 2 to IWP’s Complaint, is current under review at the Idaho Supreme Court.

7. Paragraph 7 purports to recite language from ¶ 22.1 of the FESAs, and refers to an Idaho Supreme Court case. The FESAs and court case speak for themselves and require no additional admission or denial from Idaho Power.

8. The allegations contained in paragraph 8 are legal conclusions which require no response.

9. The allegations contained in paragraph 9 are legal conclusions which require no response.

10. Idaho Power admits the FESAs are binding legal contracts approved by the Commission.

11. The allegations contained in paragraph 11 are legal conclusions which require no response.

12. Idaho Power admits that it entered into FESAs with the following entities on the following dates:

Oregon Trail Wind Park on February 18, 2005
Pilgrim Stage Station Wind Park, LLC on February 18, 2005
Thousand Springs Wind Park, LLC on February 18, 2005
Tuana Gulch Wind Park, LLC on February 18, 2005
Burley Butte Wind Park on May 5, 2005
Golden Valley Wind Park on May 5, 2005
Milner Dam Wind Park on October 14, 2005
Salmon Falls Wind Park on October 14, 2005

13. Idaho Power admits that Section 7.2, the definition of "Market Energy Cost," and many of the other sections are identical in each FESA.

14. Paragraph 14 purports to recite language from ¶ 7.2 of the FESAs. The FESAs speak for themselves and require no additional admission or denial from Idaho Power.

15. Paragraph 15 purports to recite language from ¶ 1.12 of the FESAs. The FESAs speak for themselves and require no additional admission or denial from Idaho Power.

16. Idaho Power denies the allegations contained in paragraph 16. The Dow Jones Mid-C non-firm index is no longer published and has been transitioned to the Platts non-firm market index. It is Idaho Power's information and belief that just prior to its discontinuance in September 2013, that it was formerly published by McGraw Hill Financial, and that both Idaho Power and Idaho Wind Partners were subscribers.

17. The Dow Jones Mid-C non-firm index is no longer published. What it reported speaks for itself and requires no additional admission or denial from Idaho Power.

18. The Dow Jones Mid-C non-firm index is no longer published. What it reported speaks for itself and requires no additional admission or denial from Idaho Power.

19. Idaho Power denies that this is the proper calculation under the FESAs and that this is what the Commission intended to be established as the as-delivered avoided cost rate.

20. Idaho Power denies the allegations contained in paragraph 20 of the Complaint. Idaho Power's calculation of Market Energy Cost considers daily on-peak and off-peak prices for non-firm energy.

21. Idaho Power denies the allegations contained in paragraph 21. Idaho Power admits that its calculation considers and includes all daily on-peak and off-peak prices reported by the Dow Jones Mid-C Index ("Dow Jones") (and now Platts). Days that have zero volume traded have a zero price.

22. Idaho Power denies the allegations contained in paragraph 22, that it uses a subset of the Dow Jones prices, and denies that its use of Dow Jones prices violates

the express agreement and language of the FESAs to use “daily” prices. Idaho Power uses all daily prices.

23. Idaho Power denies the allegations contained in paragraph 23 of the Complaint. Idaho Power uses all daily prices. Idaho Power does not use a subset of data. Idaho Power does not distort the price. Idaho Power did not calculate the Market Energy Cost for the month of August 2011 using a single off-peak price. Idaho Power did not disregard the remaining published daily prices. Idaho Power denies that values resulting in zero were not considered. Each daily price was considered, and many resulted in zero. Idaho Power denies that the use of prices for actual transactions distorts the price, it accurately reflects the daily values of the non-firm energy received and market price reported. The true distortion would be to use prices for which no volumes were reported, as suggested by Idaho Wind Partners, because prices with no traded volumes do not reflect the market price as no buyer is willing to pay that price for non-firm, unscheduled energy.

24. Idaho Power admits that it is possible that there may be months where there are no reported volumes for on- or off-peak daily prices in the Dow Jones, or replacement, Mid-C Index. Market prices can be zero. Market prices can be negative. Market prices can be positive.

25. Idaho Power denies that if there were no volumes reported for a current month, there would be no data with which to determine the value of energy for that month. Idaho Power admits that if there were no volumes reported for a given month, the Dow Jones indicates that the value of the non-firm energy for the month is zero.

26. The Dow Jones Mid-C non-firm index is no longer published. What it reported speaks for itself and requires no additional admission or denial from Idaho Power.

27. Idaho Power admits that the parties agreed that the Market Energy Cost, as defined in the FESAs, is calculated based upon the Dow Jones. The FESAs speak for themselves and require no additional admission or denial from Idaho Power.

28. The definition of Market Energy Cost is contained in the FESAs and speaks for itself and requires no specific admission or denial from Idaho Power. Volume is a component reported by Dow Jones and the replacement index.

29. The definition of Market Energy Cost is contained in the FESAs and speaks for itself and requires no specific admission or denial from Idaho Power.

30. What the Dow Jones reported speaks for itself and requires no additional admission or denial from Idaho Power.

31. Idaho Power denies the allegations contained in paragraph 31. Idaho Power properly calculated the avoided cost rate for as-delivered energy, consistent with the FESAs and with Tariff Schedule 86.

32. Idaho Power denies the allegations in paragraph 32 of the Complaint. Idaho Power denies that it overpaid or underpaid IWP. Idaho Power denies that it failed to pay IWP the Market Energy Cost as defined in the FESAs.

33. Idaho Power denies the allegations in paragraph 33 of the Complaint. Idaho Power properly calculated the avoided cost rate for as-delivered energy, consistent with the FESAs and with Tariff Schedule 86. Any "damages" suffered by Idaho Wind Partners were of its own creation.

34. Idaho Power admits that it had numerous communications with IWP regarding the calculation of the avoided cost rate for surplus and shortfall energy, including several communications and meetings that involved Idaho Power, Idaho Wind Partners, and Commission Staff. Idaho Wind Partners' pursuit of "informal proceedings" with Commission Staff concluded with Commission Staff generally supporting the methodology and rationale of Idaho Power.

35. Idaho Power has insufficient information or knowledge regarding the truth of the allegations in paragraph 35 of the Complaint and therefore denies the same.

36. In response to paragraph 36, Idaho Power admits and denies the allegations in paragraphs 1-36 of the Complaint as set forth in paragraphs 1-36 above.

37. Idaho Power admits the allegations of paragraph 37 of the Complaint.

38. Idaho Power admits the allegations of paragraph 38 of the Complaint.

39. Idaho Power denies the allegations of paragraph 39 of the Complaint.

40. Idaho Power denies the allegations of paragraph 40 of the Complaint. Idaho Power calculates the avoided cost rate properly.

III. CROSS-COMPLAINT

Idaho Power hereby incorporates the statements made above and further alleges as follows:

1. On October 14, 2013, Idaho sent a notice to Idaho Wind Partners for each of the wind generation projects managed by Idaho Wind Partners that the publisher of the Dow Jones Mid-C Index, McGraw Hill Financial, will transition to Platts effective as of the close of business on Friday, September 13, 2013. The notices sent to the

Projects by Idaho Power attached copies of the notice received from McGraw Hill Financial. The letters are attached hereto as Attachment 1.

2. The FESAs between Idaho Wind Partners and Idaho Power state, "If the Dow Jones Mid-Columbia Index price is discontinued by the reporting agency, both Parties will mutually agree upon a replacement index, which is similar to the Dow Jones Mid-Columbia Index. The selected replacement index will be consistent with other similar agreements and a commonly used index by the electrical industry."

3. There is no other existing non-firm Mid-C electric price index available for use.

4. On November 25, 2013, Idaho Wind Partners sent Idaho Power a letter acknowledging receipt of the above-referenced letters from Idaho Power and advising that it does not agree to use Platts as a replacement index. This letter is attached hereto as Attachment 2.

5. On October 24, 2013, Idaho Power filed Tariff Advice No. 13-05, requesting revisions to Schedule 86, Cogeneration and Small Power Production Non-Firm Energy, representing a change in the referenced index from Dow Jones to Platts and insertion of "volume" before the words "weighted average" in order to provide additional clarity to the proper calculation of avoided cost rates for as-delivered, non-firm energy. This Tariff Advice filing is attached hereto as Attachment 3.

IV. PRAYER FOR RELIEF

WHEREFORE, Idaho Power respectfully requests that the Commission:

1. Issue an Order denying the relief sought by Idaho Wind Partners in its Prayer for Relief, confirming that Idaho Power's calculation of non-firm avoided cost

rates represented by the alternative energy price for surplus and shortfall energy deliveries outside of the 90/110 band in Idaho Wind Partners' various power sales agreements is correct and aligned with the Commission's authorized avoided cost rates in the state of Idaho, and dismissing Idaho Wind Partners' Complaint.

2. Issue Notice of Idaho Power's Tariff Advice 13-05 filing and open the matter as a case proceeding with a Notice of Intervention Deadline asking interested parties to intervene in the proceeding.

3. Issue an Order authorizing the proposed changes to Schedule 86 regarding insertion of the word "volume" and changing the reference from the Dow Jones non-firm index to the Platts non-firm index.

4. Issue an Order directing Idaho Wind Partners that the Platts non-firm index will be used as a replacement for the Dow Jones non-firm index in the determination of avoided cost rates in its QF projects' various power sales agreements.

5. Issue an Order granting any other relief the Commission deems proper.

Respectfully submitted this 29th day of November 2013.

A handwritten signature in cursive script, appearing to read "Don E Walker", written in dark ink over a horizontal line.

DONOVAN E. WALKER
Attorney for Idaho Power Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of November 2013 I served a true and correct copy of IDAHO POWER COMPANY'S ANSWER AND CROSS-COMPLAINT upon the following named parties by the method indicated below, and addressed to the following:

Commission Staff

Kristine A. Sasser
Deputy Attorney General
Idaho Public Utilities Commission
472 West Washington (83702)
P.O. Box 83720
Boise, Idaho 83720-0074

☒ Hand Delivered
☐ U.S. Mail
☐ Overnight Mail
☐ FAX
☒ Email kris.sasser@puc.idaho.gov

Idaho Wind Partners I, LLC

Deborah E. Nelson
Preston N. Carter
GIVENS PURSLEY LLP
601 West Bannock Street (83702)
P.O. Box 2720
Boise, Idaho 83701-2720

☐ Hand Delivered
☒ U.S. Mail
☐ Overnight Mail
☐ FAX
☒ Email den@givenspursley.com
prestoncarter@givenspursley.com

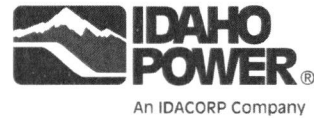

Christa Bearry, Legal Assistant

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-13-19

IDAHO POWER COMPANY

ATTACHMENT 1



October 14, 2013

Pilgrim Stage Station Wind Park, LLC - Attn: Steven Eisenberg
c/o Idaho Wind Partners 1, LLC
c/o RP Wind ID LLC
P.O. Box 2049, 82 Elm Street
Manchester Center, VT 05255-

Re: Pilgrim Stage Station Wind Park
Project Number: 31315045

NON-FIRM MID C ELECTRICITY INDEX

PLEASE BE ADVISED: The energy sales agreement between your generation project and Idaho Power Company provides that in some circumstances the Non-Firm Mid C electricity index energy values are used to calculate the energy payments for your project. Historically these Non-Firm Mid C index values have been provided by Dow Jones. Idaho Power received notice regarding its subscription to the Dow Jones index from McGraw Hill Financial that as of close of business on Friday, September 13, 2013, the Dow Jones index will transition to Platts. Platts now provides the Non-Firm Mid C electricity index information that was previously provided by Dow Jones. (See attached notice)

Should you have any questions please contact:

Randy Allphin
Energy Contracts Leader
Idaho Power Company

(208) 388-2614

E-mail: rallphin@idahopower.com



October 14, 2013

Salmon Falls Wind Park, LLC - Attn: Steven Eisenberg
c/o Idaho Wind Partners 1, LLC
c/o RP Wind ID LLC
P.O. Box 2049, 82 Elm Street
Manchester Center, VT 05255-

Re: Salmon Falls Wind
Project Number: 31618100

NON-FIRM MID C ELECTRICITY INDEX

PLEASE BE ADVISED: The energy sales agreement between your generation project and Idaho Power Company provides that in some circumstances the Non-Firm Mid C electricity index energy values are used to calculate the energy payments for your project. Historically these Non-Firm Mid C index values have been provided by Dow Jones. Idaho Power received notice regarding its subscription to the Dow Jones index from McGraw Hill Financial that as of close of business on Friday, September 13, 2013, the Dow Jones index will transition to Platts. Platts now provides the Non-Firm Mid C electricity index information that was previously provided by Dow Jones. (See attached notice)

Should you have any questions please contact:

Randy Allphin
Energy Contracts Leader
Idaho Power Company

(208) 388-2614

E-mail: rallphin@idahopower.com

October 14, 2013

Oregon Trail Wind Park, LLC - Attn: Steven Eisenberg
c/o Idaho Wind Partners 1, LLC
c/o RP Wind ID LLC
P.O. Box 2049, 82 Elm Street
Manchester City, VT 05255-

Re: Oregon Trail Wind Park
Project Number: 31315075

NON-FIRM MID C ELECTRICITY INDEX

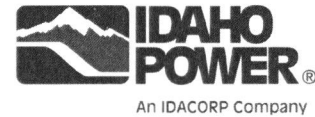
PLEASE BE ADVISED: The energy sales agreement between your generation project and Idaho Power Company provides that in some circumstances the Non-Firm Mid C electricity index energy values are used to calculate the energy payments for your project. Historically these Non-Firm Mid C index values have been provided by Dow Jones. Idaho Power received notice regarding its subscription to the Dow Jones index from McGraw Hill Financial that as of close of business on Friday, September 13, 2013, the Dow Jones index will transition to Platts. Platts now provides the Non-Firm Mid C electricity index information that was previously provided by Dow Jones. (See attached notice)

Should you have any questions please contact:

Randy Allphin
Energy Contracts Leader
Idaho Power Company

(208) 388-2614

E-mail: rallphin@idahopower.com



October 14, 2013

Thousand Springs Wind Park, LLC - Attn Steven Eisenberg
c/o Idaho Wind Partners 1, LLC
c/o RP Wind ID LLC
P.O. Box 2049, 82 Elm Street
Manchester Center, VT 05255-

Re: Thousand Springs Wind Park
Project Number: 31315055

NON-FIRM MID C ELECTRICITY INDEX

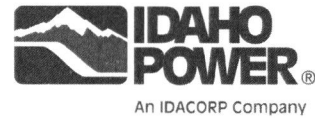
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Should you have any questions please contact:

Randy Allphin
Energy Contracts Leader
Idaho Power Company

(208) 388-2614

E-mail: rallphin@idahopower.com



October 14, 2013

Tuana Gulch Wind Park LLC - Attn: Steven Eisenberg
c/o Idaho Wind Partners 1, LLC
c/o RP Wind ID LLC
P.O. Box 2049, 82 Elm Street
Manchester, VT 05255-

Re: Tuana Gulch Wind Park
Project Number: 31315065

NON-FIRM MID C ELECTRICITY INDEX

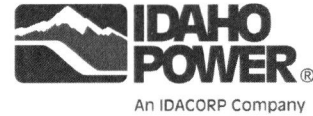
PLEASE BE ADVISED: The energy sales agreement between your generation project and Idaho Power Company provides that in some circumstances the Non-Firm Mid C electricity index energy values are used to calculate the energy payments for your project. Historically these Non-Firm Mid C index values have been provided by Dow Jones. Idaho Power received notice regarding its subscription to the Dow Jones index from McGraw Hill Financial that as of close of business on Friday, September 13, 2013, the Dow Jones index will transition to Platts. Platts now provides the Non-Firm Mid C electricity index information that was previously provided by Dow Jones. (See attached notice)

Should you have any questions please contact:

Randy Allphin
Energy Contracts Leader
Idaho Power Company

(208) 388-2614

E-mail: rallphin@idahopower.com



October 14, 2013

Milner Dam Wind Park, LLC - Attn: Steven Eisenberg
c/o Idaho Wind Partners 1, LLC
c/o RP Wind ID LLC
P.O. Box 2049 82 Elm Street
Manchester Center, VT 05255-

Re: Milner Dam Wind
Project Number: 31720190

NON-FIRM MID C ELECTRICITY INDEX

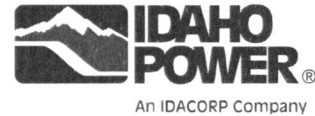
PLEASE BE ADVISED: The energy sales agreement between your generation project and Idaho Power Company provides that in some circumstances the Non-Firm Mid C electricity index energy values are used to calculate the energy payments for your project. Historically these Non-Firm Mid C index values have been provided by Dow Jones. Idaho Power received notice regarding its subscription to the Dow Jones index from McGraw Hill Financial that as of close of business on Friday, September 13, 2013, the Dow Jones index will transition to Platts. Platts now provides the Non-Firm Mid C electricity index information that was previously provided by Dow Jones. (See attached notice)

Should you have any questions please contact:

Randy Allphin
Energy Contracts Leader
Idaho Power Company

(208) 388-2614

E-mail: rallphin@idahopower.com



October 14, 2013

Golden Valley Wind Park, LLC Attn: Steven Eisenberg
c/o Idaho Wind Partners 1, LLC
c/o RP Wind ID LLC
P.O. Box 2049 82 Elm Street
Manchester Center, VT 05255-

Re: Golden Valley Wind Park
Project Number: 31765160

NON-FIRM MID C ELECTRICITY INDEX

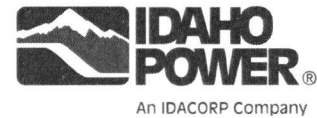
PLEASE BE ADVISED: The energy sales agreement between your generation project and Idaho Power Company provides that in some circumstances the Non-Firm Mid C electricity index energy values are used to calculate the energy payments for your project. Historically these Non-Firm Mid C index values have been provided by Dow Jones. Idaho Power received notice regarding its subscription to the Dow Jones index from McGraw Hill Financial that as of close of business on Friday, September 13, 2013, the Dow Jones index will transition to Platts. Platts now provides the Non-Firm Mid C electricity index information that was previously provided by Dow Jones. (See attached notice)

Should you have any questions please contact:

Randy Allphin
Energy Contracts Leader
Idaho Power Company

(208) 388-2614

E-mail: rallphin@idahopower.com



October 14, 2013

Burley Butte Wind Park, LLC - Attn: Steven Eisenberg
c/o Idaho Wind Partners 1, LLC
c/o RP Wind ID LLC
P.O. Box 2049 82 Elm Street
Manchester Center, VT 05255-

Re: Burley Butte Wind Park
Project Number: 31765170

NON-FIRM MID C ELECTRICITY INDEX

PLEASE BE ADVISED: The energy sales agreement between your generation project and Idaho Power Company provides that in some circumstances the Non-Firm Mid C electricity index energy values are used to calculate the energy payments for your project. Historically these Non-Firm Mid C index values have been provided by Dow Jones. Idaho Power received notice regarding its subscription to the Dow Jones index from McGraw Hill Financial that as of close of business on Friday, September 13, 2013, the Dow Jones index will transition to Platts. Platts now provides the Non-Firm Mid C electricity index information that was previously provided by Dow Jones. (See attached notice)

Should you have any questions please contact:

Randy Allphin
Energy Contracts Leader
Idaho Power Company

(208) 388-2614

E-mail: rallphin@idahopower.com

TRANSITION OF THE DOW JONES U.S. ELECTRICITY INDICES

Transition Highlights

Effective after the close of business on **Friday, September 13, 2013**, Platts, a leading global provider of energy, petrochemicals, metals and agriculture information, and a premier source of benchmark price assessments for those commodity markets, will begin providing you with price data that will replace the U.S. electricity prices you currently receive from S&P Dow Jones Indices.

As a result, the calculation and dissemination of the Dow Jones U.S. Electricity Indices will transition to Platts. The following table highlights the changes that will take place as a result of this transition. The full Platts Methodology Guide is [available here](#).

	S&P Dow Jones Indices Calculation Methodology	Platts Calculation Methodology
Dates	Prices published on flow date.	Prices published on trade date.
Calculation	Weighted average index.	Weighted average price assessment with high correlation to the Dow Jones U.S. Electricity Indices.
	Both firm and non-firm liquidated damages are calculated.	Both firm and non-firm liquidated damages will be calculated.
Contributors	There is substantial overlap between the contributors to Platts and Dow Jones Electricity Indices; this ensures ongoing continuity in pricing.	
Distribution	<ul style="list-style-type: none"> Files will be delivered via the Platts FTP feed in comma separated value (.csv) format beginning September 13, 2013. There will be no change to file formats. Email delivery will continue from September 13 through October 30, 2013 in .csv format. Email delivery will cease on October 31, 2013. 	

Reminder: as previously announced, effective after the close of business on Friday, August 30, 2013, S&P Dow Jones Indices will no longer calculate the Dow Jones U.S. Hourly Electricity Indices.

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-13-19

IDAHO POWER COMPANY

ATTACHMENT 2



November 25, 2013

Randy Allphin
Energy Contracts Leader
Idaho Power Company
1221 W Idaho Street
Boise, ID 83702

Dear Mr. Allphin:

We are in receipt of your October 14, 2013 letters directed to Idaho Wind Partners' projects advising us of the change from the Dow Jones Mid-C Index to the Platts Mid-C Index.

We are writing to notify Idaho Power Company that Idaho Wind Partners does not agree to use Platts as a replacement index (per Section 1.12 of the FESAs) for the eight projects listed in the attached schedule

Platts certainly appears to be using a different methodology than Dow Jones as to whether to report transaction volumes on a given day. Since Platts began publishing the index with daily on-peak and off-peak pricing, no transaction volumes have been reported. This change in methodology is only relevant due to Idaho Power's method of calculation of Surplus Energy using only those daily prices accompanied by a reported volume (which calculation method as you know we strongly disagree with).

On November 21, 2013, Idaho Power notified us that it would pay \$0 for Surplus Energy during the month of October. Consequently, Idaho Wind Partners received no payment for any of the 6,226,534 kWh of Surplus Energy the eight projects delivered to Idaho Power during October 2013. This occurrence, and the possibility that this occurrence will be the norm under the Platts index, has significant financial consequences to Idaho Wind Partners.

We request an opportunity to meet as soon as possible to discuss an acceptable replacement index. In addition we look forward to discussing a potential win-win solution in regards the power purchase agreements namely the conversion to the MAG PPA structure without the 90/110 provisions.

Sincerely,

Steven I. Eisenberg
Managing Director, RP Wind ID, LLC, its Managing Member

Cc: Donovan Walker, Idaho Power Company
Deborah Nelson, Givens Pursley

10/25/2013

Managing Director, RP Wind ID, LLC



LIST OF PROJECTS

Tuana Gulch Wind Park, LLC
Golden Valley Wind Park, LLC
Milner Dam Wind Park, LLC
Oregon Trail Wind Park, LLC
Salmon Falls Wind Park, LLC
Thousand Springs Wind Park, LLC
Burley Butte Wind Park, LLC
Pilgrim Stage Station Wind Park, LLC.

**BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION**

CASE NO. IPC-E-13-19

IDAHO POWER COMPANY

ATTACHMENT 3



Donovan Walker
Lead Counsel
dwalker@idahopower.com

October 24, 2013

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington Street
P.O. Box 83720
Boise, Idaho 83720-0074

Re: Tariff Advice No. 13-05
Revisions to Schedule 86 – Cogeneration and Small Power Production
Non-Firm Energy

Dear Ms. Jewell:

Idaho Power Company ("Idaho Power") herewith transmits for filing the First Revised Sheet No. 86-1. This tariff revision updates Schedule 86 to reflect that the Mid-Columbia Electricity Price Index ("Mid-C Index") previously provided by Dow Jones is now provided by Platts. This tariff revision also updates Schedule 86 to clarify that the Avoided Energy Cost is the volume-weighted average of the daily on-peak and off-peak Mid-C Index prices for non-firm energy. Also transmitted is a copy of Schedule 86 in legislative format.

Idaho Power received notice (see attached) regarding its subscription to the Dow Jones index from McGraw Hill Financial that as of close of business on Friday, September 13, 2013, the Dow Jones index has transitioned to Platts. Platts now provides the Non-Firm Mid-C electricity index information that was previously provided by Dow Jones. This tariff advice replaces "Dow Jones" with "Platts" in Schedule 86 and removes the language "published in the Wall Street Journal."

In addition, this tariff advice adds the word "volume" before the words "weighted average" to provide additional clarity. This calculation has always used the volume-weighted average of the daily on-peak and off-peak Mid-C Index prices for non-firm energy to determine the Avoided Energy Cost. This tariff advice clarifies that the weighted average used to determine the Avoided Energy Cost is the volume-weighted average and inserts the term "volume" before "weighted average" to add clarity to Schedule 86.

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
October 24, 2013
Page 2

If you have any questions regarding this filing, please contact Mike Youngblood at 388-2882.

Sincerely,



Donovan Walker

LDN:kkt
Enclosure
cc w/ encl: Greg Said
RA File
Legal File

TRANSITION OF THE DOW JONES U.S. ELECTRICITY INDICES

Transition Highlights

Effective after the close of business on **Friday, September 13, 2013**, Platts, a leading global provider of energy, petrochemicals, metals and agriculture information, and a premier source of benchmark price assessments for those commodity markets, will begin providing you with price data that will replace the U.S. electricity prices you currently receive from S&P Dow Jones Indices.

As a result, the calculation and dissemination of the Dow Jones U.S. Electricity Indices will transition to Platts. The following table highlights the changes that will take place as a result of this transition. The full Platts Methodology Guide is [available here](#).

	S&P Dow Jones Indices Calculation Methodology	Platts Calculation Methodology
Dates	Prices published on flow date.	Prices published on trade date.
Calculation	Weighted average index.	Weighted average price assessment with high correlation to the Dow Jones U.S. Electricity Indices.
	Both firm and non-firm liquidated damages are calculated.	Both firm and non-firm liquidated damages will be calculated.
Contributors	There is substantial overlap between the contributors to Platts and Dow Jones Electricity Indices; this ensures ongoing continuity in pricing.	
Distribution	<ul style="list-style-type: none"> Files will be delivered via the Platts FTP feed in comma separated value (.csv) format beginning September 13, 2013. There will be no change to file formats. Email delivery will continue from September 13 through October 30, 2013 in .csv format. Email delivery will cease on October 31, 2013. 	

Reminder: as previously announced, effective after the close of business on Friday, August 30, 2013, S&P Dow Jones Indices will no longer calculate the Dow Jones U.S. Hourly Electricity Indices.

SCHEDULE 86
COGENERATION AND SMALL
POWER PRODUCTION NON-FIRM
ENERGY

AVAILABILITY

Service under this schedule is available throughout the Company's service territory within the State of Idaho.

APPLICABILITY

Service under this schedule is applicable to any Seller that:

1. Owns or operates a Qualifying Facility with a nameplate capacity rating of less than 10 MW and desires to sell Energy generated by the Qualifying Facility to the Company on a non-firm, if, as, and when available basis;
2. Meets all applicable requirements of the Company's Schedule 72 and the Generation Interconnection Process.

DEFINITIONS

Avoided Energy Cost is the volume-weighted average of the daily on-peak and off-peak Platts Mid-Columbia Electricity Price Index (Platts Mid-C Index) prices for non-firm energy. If the Dow Jones Mid-C Index prices are not reported for a particular day or days, the average of the immediately preceding and following reporting periods or days will be used.

Designated Dispatch Facility is the Company's Boise Bench Dispatch Center.

Energy means the non-firm electric energy, expressed in kWh, generated by the Qualifying Facility and delivered by the Seller to the Company in accordance with the conditions of this schedule. Energy is measured net of Losses and Station Use.

Generation Facility means equipment used to produce electric energy at a specific physical location, which meets the requirements to be a Qualifying Facility.

Generation Interconnection Process is the Company's generation interconnection application and engineering review process developed to ensure a safe and reliable generation interconnection.

Interconnection Facilities are all facilities reasonably required by Prudent Electrical Practices and the National Electric Safety Code to interconnect and safely deliver Energy from the Qualifying Facility to the Company's system, including, but not limited to, connection, transformation, switching, metering, relaying, communications, disconnection, and safety equipment.

Losses are the loss of electric energy occurring as a result of the transformation and transmission of electric energy from the Qualifying Facility to the Point of Delivery.

SCHEDULE 86
COGENERATION AND SMALL
POWER PRODUCTION NON-FIRM
ENERGY

AVAILABILITY

Service under this schedule is available throughout the Company's service territory within the State of Idaho.

APPLICABILITY

Service under this schedule is applicable to any Seller that:

1. Owns or operates a Qualifying Facility with a nameplate capacity rating of less than 10 MW and desires to sell Energy generated by the Qualifying Facility to the Company on a non-firm, if, as, and when available basis;
2. Meets all applicable requirements of the Company's Schedule 72 and the Generation Interconnection Process.

DEFINITIONS

Avoided Energy Cost is the volume-weighted average of the daily on-peak and off-peak ~~Dow Jones~~ Platts Mid-Columbia Electricity Price Index (~~Dow Jones~~ Platts Mid-C Index) prices for non-firm energy ~~published in the Wall Street Journal~~. If the Dow Jones Mid-C Index prices are not reported for a particular day or days, the average of the immediately preceding and following reporting periods or days will be used.

Designated Dispatch Facility is the Company's Boise Bench Dispatch Center.

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